IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Bail Appl..No. 145 of 2007()

CC.851/2002 of J.M.F.C.-III,PALAKKAD

Crime No.285/02 of Town South Police Station, Pallakkad

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: PETITIONERS/ACCUSED NO.1& 2

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1. SHAMSUDHEEN, S/O. HANEEFA,
KAVUNGAL VEEDU, ATHIPPOTTA (P.O),
ALATHUR, PALAKKAD.

2. UMMER, S/O. ABDUL RAHIMAN,
KURIUKKAL'S VEEDU, VALLIKKAD,
KAZHANICHUNGAM, ALATHUR, PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT: NON-PARTY

STATE OF KERALA, REP. BY A.S.I.OF POLICE
TOWN SOUTH POLICE STATION, PALAKKAD,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 145 of 2007

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Dated this the 8th day of January,2007.

ORDER

Petitioner, who are accused Nos. 1 and 2 in Crime No.285 of 2002 of Town South Police Station, Palakkad for offences punishable under Sections 341 and 323 read with Section 34 I.P.C., seek anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioners in C.C.No.851 of 2002 on the file of the J.F.C.M.-III, Palakkad, non-bailable warrants of arrest are pending against the petitioners. Anticipatory bail cannot be granted in a case of this nature so as to nullity the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the trial court and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

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